

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

CARY YAN,

ORDER OF
JUDICIAL REMOVAL

20 Cr. 402 (NRB)

Defendant.

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Upon the application of the United States of America, by list Lara Pomerantz, Hagan Scotten, and Derek Wikstrom, Assistant United States Attorneys, Southern District of New York; upon the Factual Allegations in Support of Judicial Removal; upon the consent of CARY YAN, and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a citizen of the Republic of the Marshall Islands.
3. The defendant was paroled into the United States at New York, New York on September 2, 2022.
4. The defendant was granted a Significant Public Benefit Parole, for the purpose of criminal prosecution. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, for: Conspiring to violate the Foreign Corrupt Practices Act (the "FCPA"), in violation of Title 18, United States Code, Section 371.
5. The total maximum sentence of incarceration for Count One is five years; and the

maximum term of supervised release for Count One is 3 years.

6. The defendant is inadmissible and subject to removal pursuant to Section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act of 1952, as amended (“INA”), 8 U.S.C. § 1182(a)(2)(A)(i)(I), as an alien convicted of acts which constitute a crime involving moral turpitude; and Section 212(a)(7)(A)(i)(1) of the INA, 8 U.S.C. § 1182(a)(7)(A)(i)(1), as an applicant for admission who is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document.

7. The defendant has waived his right to notice and a hearing under Section 238(c) of the INA, 8 U.S.C. § 1228(c).

8. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.

9. The defendant has designated Republic of the Marshall Islands as the country for removal pursuant to Section 240(d) of the Act, 8 U.S.C. § 1229a(d).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the INA, 8 U.S.C. § 1228(c), that the defendant shall be removed from the United States promptly upon his release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing, and that the defendant be ordered removed to the Republic of the Marshall Islands.

Dated: New York, New York
May 16, 2023


HONORABLE NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE